



U. S. DEPARTMENT OF JUSTICE

WILLIAM J. IHLENFELD, II
United States Attorney
Northern District of West Virginia

FILED

APR 11 2013

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

Derek W. Hotsinpillar Federal Building
320 West Pike Street Phone: (304) 623-7030
Suite 300 Fax: (304) 623-7031
Clarksburg, WV 26301

February 26, 2013

L. Richard Walker, Esq.
Federal Public Defender's Office
Huntington Bank Building
230 West Pike Street, Ste. 360
Clarksburg, WV 26301

In re: *United States v. Frank Nagi*

Dear Mr. Walker:

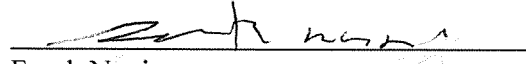
This purpose of this letter is to extend to your client, Frank Nagi (hereinafter referred to as defendant or Mr. Nagi) the following plea offer:

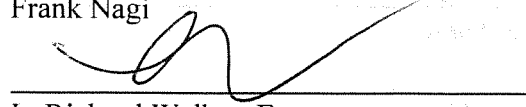
It is agreed between the United States and your client as follows:

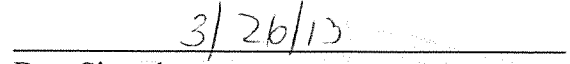
1. Plea:

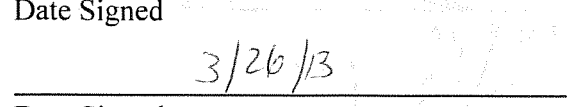
A. Upon the filing of an Information by the United States Attorney, a copy of which is attached hereto, Mr. Nagi will waive his right to have this matter presented to a grand jury, and will tender his plea of guilty to Count One charging him with the offense of Possession of a Prohibited Object (cell phone) in violation of 18 U.S.C. § 1791(a)(2) & (b)(4).

B. The maximum penalty which Mr. Nagi would be exposed by virtue of his plea of guilty, as stated in paragraph 1.A. above, is imprisonment for a term not more than one (1) year, a fine of not more than \$100,000.00, a period of supervised release of not more than one (1) year, and a special mandatory assessment of \$25.00 (18 U.S.C. § 3013) which must be paid before the date of sentencing by money order or certified check, made payable to the United


Frank Nagi


L. Richard Walker, Esq.
Counsel for Mr. Nagi


Date Signed


Date Signed

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States District Court. It is understood that Mr. Nagi might be required by the Court to pay the costs of his incarceration.

2. Sentencing:

A. Recommended Sentence:

1. The United States and the defendant agree under Federal Rule of Criminal Procedure 11(c)(1)(C) that the appropriate sentence in this case is three (3) months incarceration to be ordered to be served consecutively to any sentence(s) previously imposed or presently being served by the defendant. The court will also impose the mandatory Special Assessment of \$25.00. No fine is recommended for the reason that the defendant does not have the financial ability to pay a fine. The parties also recommend that no additional supervised release be imposed.

2. The recommended sentence is considered by the government to be adequate under the circumstances of this case to provide a reasonable sentence for the defendant's crime while disposing of the case without the expenditure of significant judicial or prosecutorial resources.

B. Sentencing Procedure:

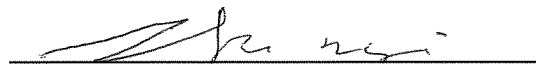
1. The parties waive the right to have a full presentence investigation made prior to sentencing and request that the court impose the sentence immediately upon the acceptance of a guilty plea.

2. Acknowledging that it is the court's responsibility to determine whether the agreed sentence is a reasonable sentence after considering the circumstances of the case and the background of the defendant, the United States Attorney's Office and counsel for the defendant agree to cooperate with any preliminary investigation the court may cause to be made prior to the plea hearing.


3. Waivers:

A. Upon the condition that the court accepts this agreement and imposes the recommended sentence, the United States and the defendant waive the right to appeal the sentence, or to appeal any other issue in this case, on any ground whatsoever.

B. Upon the condition that the court accepts this agreement and imposes the recommended sentence, the defendant waives his right to challenge his sentence or the manner in which it was determined by collateral attack, including but not limited to, by a motion brought under 28 U.S.C. § 2255 (habeas corpus).



Frank Nagi



L. Richard Walker, Esq.
Counsel for Mr. Nagi

3/26/13

Date Signed

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Date Signed

Plea agreement - Frank Nagi

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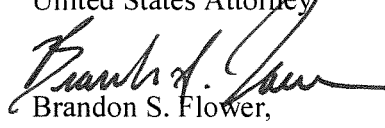
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4. Other Charges:


A. In exchange for this plea of guilty, the United States agrees not to pursue any other charge(s) against the defendant related to his conduct on January 27, 2013.

Very truly yours,

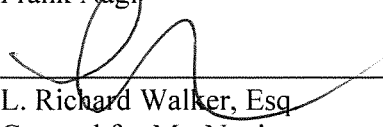
WILLIAM J. IHLENFELD, II
United States Attorney

By:  4-11-13
Brandon S. Flower,
Assistant United States Attorney

As evidenced by my signature at the bottom of all pages of this letter agreement, I have read and understand the provisions of each paragraph herein and, hereby, fully approve of each provision.



Frank Nagi



L. Richard Walker, Esq.
Counsel for Mr. Nagi

3/26/13

Date Signed

3/26/13

Date Signed